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UNITED STATES OF AMERICA  
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11 UNITED STATES DISTRICT COURT

12 FOR THE CENTRAL DISTRICT OF CALIFORNIA

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 CHRISTOPHER PSAILA,

17 Defendant.  
18

No. CR 17-257-FMO

PROTECTIVE ORDER REGARDING  
DISCOVERY CONTAINING PERSONAL  
IDENTIFYING INFORMATION

19  
20 The Court has read and considered the Stipulation and Joint  
21 Request for a Protective Order Regarding Discovery Containing  
22 Personal Identifying Information, filed by the government and  
23 defendant CHRISTOPHER PSAILA ("defendant") in this matter, which  
24 this Court incorporates by reference into this order, and FOR GOOD  
25 CAUSE SHOWN the Court hereby FINDS AND ORDERS as follows:

26 1. The government's discovery in this case relates to  
27 defendant's alleged crimes, that is, violations of 18 U.S.C.  
28 § 1029(a)(2) (use of an unauthorized access device); 18 U.S.C.

1 § 1343 (wire fraud), and 18 U.S.C. § 1028A(A)(1) (aggravated  
2 identity theft). The discovery contains the personal identifying  
3 information of real persons, including, among other things, personal  
4 names, addresses, Social Security numbers, and bank account numbers.

5 2. If the government were to redact all personal identifying  
6 information in strict compliance with Federal Rule of Criminal  
7 Procedure 49.1, the Central District of California's Local Rules  
8 regarding redaction, and the Privacy Policy of the United States  
9 Judicial Conference, the defense would receive a set of discovery  
10 that would be highly confusing and difficult to understand, and  
11 defense counsel would not be able to adequately evaluate the case,  
12 advise his client, or prepare for trial.

13 3. The Court finds it is appropriate, therefore, for the  
14 government to produce unredacted discovery that contains personal  
15 identifying information, but preserves the privacy and security of  
16 the victims and third parties. The Court agrees that a protective  
17 order as requested by the parties will serve the government's  
18 interest in maintaining the privacy and security of victims and  
19 third parties while permitting the defense to understand the  
20 government's evidence.

21 4. Accordingly, the discovery that the government will  
22 provide to defense counsel in the above-captioned case will be  
23 subject to this Protective Order, as follows:

24 a. For purposes of the Protective Order, the term  
25 "Personal Identifying Information" ("PII") includes any information  
26 that can be used to identify a person, including name, address, date  
27 of birth, Social Security number, driver's license number, telephone  
28 number, account number, or personal identification number. The term

1 "Protected Information" refers to materials containing PII that the  
2 government produces to the defense pursuant to the Protective Order.

3           b. For purposes of the Protective Order, the term  
4 "defense team" refers to (1) defendant's counsel of record,  
5 (2) other attorneys at defense counsel's law firm who may be  
6 consulted regarding case strategy in the above-captioned matter,  
7 (3) defense investigators who are assisting defense counsel with  
8 this case, (4) retained experts or potential experts, and  
9 (5) paralegals, legal assistants, and other support staff to  
10 defendant's counsel of record providing assistance on this case --  
11 all of whom have been advised of their obligations under the  
12 Protective Order and have affirmed to defendant's counsel of record  
13 that they agree to be bound by the terms of the Protective Order.  
14 The term "defense team" does not include defendant, his family  
15 members, or any other associates of defendant.

16           c. Defendant's counsel of record agrees to advise all  
17 members of the defense team of their obligations under the  
18 Protective Order and ensure their agreement to follow the  
19 Protective Order, prior to providing members of the defense team  
20 with access to any materials subject to the Protective Order.

21           d. The government is authorized to provide defendant's  
22 counsel of record with Protected Information marked with the  
23 following legend: "SUBJECT TO PROTECTIVE ORDER." If defendant  
24 objects to any such designation, he may do so by application to the  
25 Court upon duly noticed motion, following meeting and conferring  
26 with the government regarding the objection.

27           e. Defendant may review Protected Information in this  
28 case only in the presence of a member of the defense team, and his

1 counsel of record shall ensure that defendant is never left alone  
2 with any discovery subject to the Protective Order. Defendant may  
3 see and review Protected Information in the presence of a member of  
4 the defense team, but defendant may not copy, keep, maintain, or  
5 otherwise possess any of such Protected Information in this case at  
6 any time. Defendant must return any Protected Information to the  
7 defense team at the conclusion of any meeting at which defendant is  
8 permitted to view the Protected Information. Defendant may not take  
9 any Protected Information out of the room in which he is meeting  
10 with the defense team. Defendant may not write down or memorialize  
11 any PII contained in the Protected Information. At the conclusion  
12 of any meeting with defendant, the member of the defense team  
13 present shall take with him or her all Protected Information. At no  
14 time, under no circumstance, will any Protected Information be left  
15 in the possession, custody, or control of defendant, whether he is  
16 incarcerated or not.

17           f. The defense team shall not permit anyone other than  
18 the defense team to have possession of Protected Information,  
19 including defendant himself.

20           g. The defense team shall access and use Protected  
21 Information for the sole purpose of preparing for trial or any  
22 related proceedings in this case. The defense team may review  
23 Protected Information with a witness or potential witness in this  
24 case, including defendant. Before being shown any portion of  
25 Protected Information, however, any witness or potential witness  
26 must be informed of, and agree in writing to be bound by, the  
27 requirements of the Protective Order. No witness or potential  
28 witness may retain Protected Information, or any copy thereof, after

1 his or her review of those materials with the defense team is  
2 complete.

3           h. The defense team shall maintain Protected Information  
4 safely and securely, and shall exercise reasonable care in ensuring  
5 the confidentiality of those materials by (1) not permitting anyone  
6 other than defense team members and defendant as restricted above to  
7 see Protected Information, (2) not divulging to anyone the contents  
8 of Protected Information, and (3) not permitting Protected  
9 Information to be outside the defense team's offices, homes,  
10 vehicles, or personal presence.

11           i. To the extent that notes are made that memorialize,  
12 in whole or in part, the PII in any Protected Information, or to the  
13 extent that copies are made for authorized use by members of the  
14 defense team, such notes, copies, or reproductions become Protected  
15 Information subject to the Protective Order and must be handled in  
16 accordance with the terms of the Protective Order.

17           j. The defense team shall use Protected Information and  
18 materials otherwise identified as containing PII only for the  
19 litigation of this matter and for no other purpose. Litigation of  
20 this matter includes any appeal filed by defendant and any motion  
21 filed by defendant pursuant to 28 U.S.C. § 2255. In the event that  
22 a party needs to file Protected Information or materials otherwise  
23 identified as containing PII with the Court or divulge the contents  
24 of such materials in court filings, the filing should be made under  
25 seal. If the Court rejects the request to file such information  
26 under seal, the party seeking to file such information shall provide  
27 advance written notice to the other party to afford such party an  
28 opportunity to object or otherwise respond to such intention. If

1 the other party does not object to the proposed filing, the party  
2 seeking to file such information shall redact the PII and make all  
3 reasonable attempts to limit the divulging of PII.

4 k. The parties also agree that any PII produced in the  
5 course of discovery in the above-captioned matter prior to the date  
6 of the Protective Order shall be subject to the terms of the  
7 Protective Order.

8 l. Upon the final disposition of this case, any  
9 Protected Information and materials otherwise identified as  
10 containing PII shall not be used, in any way, in any other matter,  
11 absent a court order. All materials designated subject to the  
12 Protective Order maintained in the defense team's files shall remain  
13 subject to the Protective Order unless and until such order is  
14 modified by court order. Within thirty days of the conclusion of  
15 appellate and post-conviction proceedings, the defense team shall  
16 return Protected Information and materials otherwise identified as  
17 containing PII to the government, certify that such materials have  
18 been destroyed, or certify that such materials are being kept  
19 pursuant to the Business and Professions Code and the Rules of  
20 Professional Conduct.

21 m. In the event that there is a substitution of counsel  
22 prior to when such documents must be returned, new defense counsel  
23 must join this Protective Order before any Protected Information or  
24 materials otherwise identified as containing PII may be transferred  
25 from the undersigned defense counsel to the new defense counsel, who  
26 then will become the defense team's custodian of materials  
27 designated subject to the Protective Order and who shall then become  
28 responsible, upon the conclusion of appellate and post-conviction

1 proceedings, for returning to the government, certifying the  
2 destruction of, or retaining pursuant to the Business and  
3 Professions Code and the Rules of Professional Conduct all Protected  
4 Information and materials otherwise identified as containing PII.

5  
6 IT IS SO ORDERED.

7  
8 July 6, 2017

9 DATE

/s/

HONORABLE FERNANDO M. OLGUIN  
UNITED STATES DISTRICT JUDGE

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11 Presented by:

12 /s/ Frances S. Lewis

13 FRANCES S. LEWIS

14 Assistant United States Attorney  
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